THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.17891 OF 2007

23rd AUGUST, 2007.

Between:

M/s. Sri Sai Lakshmi Trades, Patavala Village,
Tallarevu Mandal, East Godavari District,
Rep. by its Managing Director K. Kasi Surya
Veera Nagaraju Gupta .. Petitioner

And

1. The Joint Collector (Civil Supplies),
East Godavari District at Kakinada. .. Respondent

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WRIT PETITION No.17891 OF 2007

ORDER:

This writ petition is filed seeking a declaration that the order passed by the respondent dated 20-8-2007 rejecting the request of the petitioner for release of the stocks pending enquiry under Section 6-A of the Essential Commodities Act, 1955 (for short, 'EC Act, 1955') as arbitrary and illegal.

Heard the learned Counsel for both the parties.

The material on record shows that under the Panchanama dated 8-8-2007, 285.50 quintals of rice, 182.75 quintals of paddy and 5.00 quintals of broken rice was seized on certain allegations specified thereunder. Having rejected the request of the petitioner for release of the seized stock, it appears that subsequently the respondent has already ordered for disposal of 285.50 quintals of PDS rice. Thus, the only stock remained as on today is 182.75 quintals of paddy and 5.00 quintals of broken rice.

Having regard to the nature of the allegations in the Panchanama, I am of the opinion that no prejudice would be caused to either party if the said stock is released on furnishing Bank Guarantee for its value.

Accordingly, while leaving it open to the respondent to proceed with the enquiry under Section 6-A of the EC Act, 1955 and pass appropriate orders in accordance with law, the Writ Petition is

disposed of with a direction to release 182.75 quintals of paddy and 5.00 quintals of broken rice subject to the condition that the petitioner furnishes Bank Guarantee for the total value of the said stock.

Writ Petition is accordingly disposed of. No costs.

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(G. ROHINI, J.)

23rd August, 2007.

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